

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Securities and Exchange Commission

SUMMONS IN A CIVIL ACTION

V.

Gregg Ashley Smith and Elliot Joel Smith

CASE NUMBER:

07 CIV 8394  
JUDGE DANIELS

TO: (Name and address of Defendant)

Gregg Ashley Smith  
c/o Michael J. Missal, Esq.  
Kirkpatrick Lockhart Nicholson Graham LLP  
1601 K Street, N. W.  
Washington, DC 20006

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

William P. Hicks, Esq.  
Securities and Exchange Commission  
3475 Lenox Road, N. E.  
Suite 1000  
Atlanta, GA 30326-1232

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

SEP 27 2007

CLERK

*Manos Quintero*

DATE

(By) DEPUTY CLERK

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	10-3-2007
NAME OF SERVER (PRINT) Myra M. Kucera	TITLE	Paralegal Specialist
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served:  <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:  <input type="checkbox"/> Returned unexecuted:  <input checked="" type="checkbox"/> Other (specify): Served c/o counsel by Fed-Ex		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>10/3/2007</u> <u>Myra M. Kucera</u>  Date Signature of Server</p> <p>Securities + Exchange Commission  3475 Lenox Rd, NE, Suite 1000  Atlanta, GA 30326-1232  Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.